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 Bonn's 2218 and DEPTEL 1891. X/R-76210221

In view of degree of coordination which exists in Germany on course of action to be taken in response to Soviet demand that travel orders of military train passengers be stamped by Soviet officer at Marienborn, Department reluctant to issue instructions. ~~Amembassy KOMENDA (BY POUCH)~~ Nonetheless we have serious misgiving about two elements of risk which seem implicit in course of action proposed, which we tripartitely believe should be considered before conversations begin with Kotsiuba.

First, proposed course of action appears to accept Soviet thesis there are abuses in use of travel orders and that existence or elimination of these abuses is appropriate subject for Allied-Soviet negotiation and agreement. Principle under which we act is that authorities issuing travel orders determine who shall proceed to Berlin in connection with occupation of Berlin and how frequently. It follows that any question of validity or abuse of travel orders is internal disciplinary matter within competence these authorities. Any negotiation with

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Soviets re validity of travel orders amounts to abandonment of this principle. As consequence such negotiation, we could be drawn into dilemma of either having to comply with repeated Soviet demands for procedural changes which Soviets could exploit as means gradually gaining control over Allied travel or of breaking off discussions with Soviets under circumstances in which, having already abandoned abovementioned principle, we appear to public to be stopping Berlin travel on minor procedural issue. We wish stress in this connection that recent changes in form of our travel orders cannot be considered product of negotiation with Soviets but were instituted by us on our own authority in order provide more uniform documentation and thus help eliminate misunderstandings. Copies of new forms given Soviets for their information and not for their acceptance.

Second, we believe Soviet demand may be basically motivated by desire build up system under which effective Soviet or ultimate GDR control over Allied recognized travel can be established. Stamping of travel orders by Soviet officers would obviously constitute extension of Soviet control and is unacceptable. Proposed alternative that train commander stamp or otherwise confirm or limit validity of travel orders in presence of Soviet officer at Marienborn is in our opinion also highly undesirable, for it appears to us to concede principle of Soviet contention. Making this concession could provide basis further Soviet demands and is not consistent with principle Soviets must accept travel orders issued by competent Allied authorities as conclusive evidence traveler is Allied official personnel and entitled unrestricted access to Berlin on basis quadripartite agreements.

NOMINATE AGREEING

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Although we realize normal procedure envisages tripartite discussion questions only time factor this type/in Berlin and Bonn, in view basic importance principles at issue request Embassies London and Paris convey our views Foreign Offices.

Keeler

ACTING

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